



House of Representatives

File No. 706

General Assembly

January Session, 2021

(Reprint of File No. 577)

Substitute House Bill No. 6548
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 20, 2021

AN ACT CONCERNING THE RECOMMENDATIONS OF THE JURY SELECTION TASK FORCE.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 51-217 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) All jurors shall be electors, individuals lawfully admitted for
4 permanent residence, as defined in 8 USC 1101(a)(20), as amended from
5 time to time, or citizens of the United States, who are residents of this
6 state having a permanent place of abode in this state and appear on the
7 list compiled by the Jury Administrator under subsection (b) of section
8 51-222a, who have reached the age of eighteen. A person shall be
9 disqualified to serve as a juror if such person: (1) Is found by a judge of
10 the Superior Court to exhibit any quality which will impair the capacity
11 of such person to serve as a juror, except that no person shall be
12 disqualified because the person is deaf or hard of hearing; (2) has been
13 convicted of a felony within the past [seven] three years or is a

14 defendant in a pending felony case or is in the custody of the
15 Commissioner of Correction; (3) is not able to speak and understand the
16 English language; (4) is the Governor, Lieutenant Governor, Secretary
17 of the State, Treasurer, Comptroller or Attorney General; (5) is a judge
18 of the Probate Court, Superior Court, Appellate Court or Supreme
19 Court, is a family support magistrate or is a federal court judge; (6) is a
20 member of the General Assembly, provided such disqualification shall
21 apply only while the General Assembly is in session; (7) is a registrar of
22 voters or deputy registrar of voters of a municipality, provided such
23 disqualification shall apply only during the period from twenty-one
24 days before the date of a federal, state or municipal election, primary or
25 referendum to twenty-one days after the date of such election, primary
26 or referendum, inclusive; (8) is [seventy] seventy-five years of age or
27 older and chooses not to perform juror service; (9) is incapable, by
28 reason of a physical or mental disability, of rendering satisfactory juror
29 service; or (10) for the jury year commencing on September 1, 2017, and
30 each jury year thereafter, has served in the United States District Court
31 for the District of Connecticut as (A) a federal juror on a matter that has
32 been tried to a jury during the last three preceding jury years, or (B) a
33 federal grand juror during the last three preceding jury years. Any
34 person claiming a disqualification under subdivision (9) of this
35 subsection shall submit to the Jury Administrator a letter from a licensed
36 health care provider stating the health care provider's opinion that such
37 disability prevents the person from rendering satisfactory juror service.
38 In reaching such opinion, the health care provider shall apply the
39 following guideline: A person shall be capable of rendering satisfactory
40 juror service if such person is able to perform a sedentary job requiring
41 close attention for six hours per day, with short work breaks in the
42 morning and afternoon sessions, for at least three consecutive business
43 days. Any person claiming a disqualification under subdivision (10) of
44 this subsection shall supply proof of federal jury service satisfactory to
45 the Jury Administrator.

46 (b) The Jury Administrator may determine, in such manner and at
47 such times as the Jury Administrator deems feasible, whether any

48 person is qualified to serve as juror under this section and whether any
49 person may be excused for extreme hardship.

50 (c) The Jury Administrator shall have the authority to establish and
51 maintain a list of persons to be excluded from the summoning process,
52 which shall consist of (1) persons who are disqualified from serving on
53 jury duty on a permanent basis due to a disability for which a licensed
54 physician or an advanced practice registered nurse has submitted a
55 letter stating the physician's or advanced practice registered nurse's
56 opinion that such disability permanently prevents the person from
57 rendering satisfactory jury service, (2) persons [seventy] seventy-five
58 years of age or older who have requested not to be summoned, (3)
59 elected officials enumerated in subdivision (4) of subsection (a) of this
60 section and judges enumerated in subdivision (5) of subsection (a) of
61 this section during their term of office, and (4) persons excused from
62 jury service pursuant to section 51-217a who have not requested to be
63 summoned for jury service pursuant to said section. Persons requesting
64 to be excluded pursuant to subdivisions (1) and (2) of this subsection
65 must provide the Jury Administrator with their names, addresses, dates
66 of birth and federal Social Security numbers for use in matching. The
67 request to be excluded may be rescinded at any time with written notice
68 to the Jury Administrator.

69 Sec. 2. Section 51-220 of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2023*):

71 (a) The number of jurors to be chosen from each town shall be equal
72 to a percentage of the town's population rounded off to the nearest
73 whole number, such percentage to be determined by the Jury
74 Administrator [Such population figures shall derive from the last
75 published census of the United States government.] in accordance with
76 the provisions of this section and section 51-220a, as amended by this
77 act. The number of jurors chosen from each town shall reflect the
78 proportional representation of the population of each town within the
79 judicial district. The Jury Administrator shall calculate such percentage
80 by determining each town's proportional share of the population of the

81 judicial district and dividing that proportional share by the town's yield
82 ratio. A town's yield ratio shall be calculated by dividing the number of
83 jurors from such town who, when summoned during the previous court
84 year, complied with the summons to appear for jury service, by the
85 product that results when the town's proportional share of the
86 population of the judicial district is multiplied by the total number of
87 jurors summoned in the judicial district in the previous court year. For
88 purposes of this subsection, "court year" means a one-year period
89 beginning on September first and ending on August thirty-first of the
90 following year.

91 (b) The Jury Administrator shall derive population figures from the
92 most recent decennial census.

93 Sec. 3. Section 51-220a of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2022*):

95 (a) Electronic data processing and similar equipment may be used in
96 the selection, drawing and summoning of jurors under this chapter. At
97 [his] the Jury Administrator's election, the Jury Administrator may enter
98 into a computerized data processing file the names of persons appearing
99 on the list compiled under subsection (b) of section 51-222a, in order to
100 perform any of the duties prescribed in this chapter.

101 (b) In carrying out the duties prescribed in section 51-220, as
102 amended by this act, the Jury Administrator annually shall compile the
103 number of jurors summoned from each town who complied with the
104 summons and appeared for jury service.

105 Sec. 4. Section 51-232 of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective July 1, 2022*):

107 (a) The Jury Administrator shall send to each juror drawn, by first
108 class mail, a notice stating the place where and the time when he or she
109 is to appear and such notice shall constitute a sufficient summons unless
110 a judge of said court directs that jurors be summoned in some other
111 manner.

112 (b) Such summons or notice shall also state the fact that a juror has a
113 right to one postponement of the juror's term of juror service for not
114 more than ten months and may contain any other information and
115 instructions deemed appropriate by the Jury Administrator. If the date
116 to which the juror has postponed jury service is improper, unavailable
117 or inconvenient for the court, the Jury Administrator shall assign a date
118 of service which, if possible, is reasonably close to the postponement
119 date selected by the juror. Such notice or summons shall be made
120 available to any party or to the attorney for such party in an action to be
121 tried to a jury. The Jury Administrator may grant additional
122 postponements within or beyond said ten months but not beyond one
123 year from the original summons date.

124 (c) The Jury Administrator shall send to a prospective juror a juror
125 confirmation form and a confidential juror questionnaire. Such
126 questionnaire shall include questions eliciting the juror's name, age, race
127 and ethnicity, occupation, education and information usually raised in
128 voir dire examination. The questionnaire shall inform the prospective
129 juror that information concerning race and ethnicity is required solely
130 to enforce nondiscrimination in jury selection, that the furnishing of
131 such information is not a prerequisite to being qualified for jury service
132 and that such information need not be furnished if the prospective juror
133 finds it objectionable to do so. Such juror confirmation form and
134 confidential juror questionnaire shall be signed by the prospective juror
135 under penalty of false statement. Copies of the completed
136 questionnaires shall be provided to the judge and counsel for use during
137 voir dire or in preparation therefor. Counsel shall be required to return
138 such copies to the clerk of the court upon completion of the voir dire.
139 Except for disclosure made during voir dire or unless the court orders
140 otherwise, information inserted by jurors shall be held in confidence by
141 the court, the parties, counsel and their authorized agents. Such
142 completed questionnaires shall not constitute a public record.

143 (d) The number of jurors in a panel may be reduced when, in the
144 opinion of the court, such number of jurors is in excess of reasonable
145 requirements. Such reduction by the clerk shall be accomplished by lot

146 to the extent authorized by the court and the jurors released shall be
147 subject to recall for jury duty only if and when required.

148 (e) In each judicial district, the Chief Court Administrator shall
149 designate one or more courthouses to be the courthouse to which jurors
150 [shall] originally shall be summoned. The court may assign any jurors
151 of a jury pool to attend any courtroom within the judicial district.

152 (f) On and after July 1, 2022, and until June 30, 2023, for each jury
153 summons the Jury Administrator finds to be undeliverable, the Jury
154 Administrator shall cause an additional randomly generated jury
155 summons to be sent to a juror having a zip code that is the same as to
156 which the undeliverable summons was sent.

157 Sec. 5. Subsection (c) of section 51-232 of the general statutes is
158 repealed and the following is substituted in lieu thereof (*Effective October*
159 *1, 2022*):

160 (c) (1) The Jury Administrator shall [send] provide to a prospective
161 juror a juror confirmation form and a confidential juror questionnaire.
162 Such questionnaire shall include questions eliciting the juror's name,
163 age, race and ethnicity, gender, occupation, education, [and]
164 information usually raised in voir dire examination and such other
165 demographic information determined appropriate by the Judicial
166 Branch. The questionnaire shall inform the prospective juror that
167 information concerning race and ethnicity is required solely to enforce
168 nondiscrimination in jury selection, that the furnishing of such
169 information is not a prerequisite to being qualified for jury service and
170 that such information need not be furnished if the prospective juror
171 finds it objectionable to do so. Such juror confirmation form and
172 confidential juror questionnaire shall be signed by the prospective juror
173 under penalty of false statement. Copies of the completed
174 questionnaires shall be provided to the judge and to counsel for use
175 during voir dire or in preparation therefor. Counsel shall be required to
176 return such copies to the clerk of the court upon completion of the voir
177 dire. Except for disclosure made during voir dire or unless the court

178 orders otherwise, information inserted by jurors shall be held in
179 confidence by the court, the parties, counsel and their authorized agents.
180 Such completed questionnaires shall not constitute a public record.

181 (2) The Judicial Branch shall compile a record of the demographic
182 characteristics of all persons who: (A) Are summoned for jury service,
183 (B) participated in a panel, (C) are subject to a peremptory challenge, (D)
184 are subject to challenge for cause, and (E) serve on a jury. Such record
185 shall exclude personally identifiable information and shall be
186 maintained in a manner that provides free and open access to the
187 information on the Internet. As used in this subdivision, "personally
188 identifiable information" means any identifying information that is
189 linked or linkable to a specific individual.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2021</i>	51-217
Sec. 2	<i>July 1, 2023</i>	51-220
Sec. 3	<i>October 1, 2022</i>	51-220a
Sec. 4	<i>July 1, 2022</i>	51-232
Sec. 5	<i>October 1, 2022</i>	51-232(c)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various changes to the jury selection process and does not result in a fiscal impact.

House "A" strikes the section of the bill that increased compensation for jurors and removes the cost of the underlying bill.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6548 (as amended by House “A”)******AN ACT CONCERNING THE RECOMMENDATIONS OF THE JURY SELECTION TASK FORCE.*****SUMMARY**

This bill adjusts the method for summoning jurors from each town to reflect how many complied with the summons in the past year. Beginning October 1, 2022, the bill requires the jury administrator to compile the number of jurors summoned from each town who complied with the summons. And beginning July 1, 2023, the number of jurors chosen from each town must reflect the proportional representation of each town’s population within the judicial district, based on the data collected and a specified formula.

The bill establishes temporary procedures for before the data is collected. From July 1, 2022, to June 30, 2023, whenever there is an undeliverable jury summons, a replacement summons must be sent to the same zip code.

The bill also (1) expands eligibility for jury service (e.g., to certain permanent residents and shortens the time frame barring certain convicted felons from serving) and (2) requires additional questions on the juror questionnaire and the judicial branch to compile demographic information on those who participate in the jury process.

*House Amendment “A” (1) shortens the time frame for barring someone with a felony conviction from jury service, (2) eliminates the underlying bill’s provisions on (a) allowing felony case defendants and certain convicted felons to serve on a jury and (b) compensating and reimbursing jurors, and (3) changes the one-year time frame for proportional jury selection from a calendar year to a court year.

EFFECTIVE DATE: October 1, 2021, for the eligibility expansion provision; July 1, 2022, for the zip code replacement summons provision; October 1, 2022, for the juror data compilation and questionnaire provisions; and July 1, 2023, for the proportional representation provision.

§ 1 — EXPANDED JURY POOL

The bill expands jury service eligibility by (1) including permanent residents, as allowed under federal law (8 U.S.C. § 1101(a)(20)) and (2) shortening, from seven to three years, the time frame for barring someone with a felony conviction from serving on a jury.

The bill also increases the minimum age, from 70 to 75, for when someone may claim an exemption from being summoned and makes a conforming change to the lists the jury administrator must keep.

§§ 2-4 — JUROR SUMMONS

The bill adjusts the method for summoning jurors from each town to reflect each town's juror summons compliance rate in the past year.

Beginning October 1, 2022, the bill requires the jury administrator to annually compile the number of jurors summoned from each town who complied with the summons and appeared for jury service.

Beginning July 1, 2023, the bill requires the number of jurors chosen from each town to reflect the proportional representation of each town's population within the judicial district modified by the percentage of jurors who complied with summonses in the prior year. This is calculated by dividing each town's proportional share of the judicial district's population by the town's "yield ratio." Under the bill, the "yield ratio" is the (1) number of jurors from the town who were summoned the previous court year and complied and appeared for jury service, divided by (2) product of the town's proportional share of the judicial district's population and the total number of jurors summoned in the judicial district in the previous court year. A "court year" is the one-year period beginning on September 1 and ending on August 31 the

following year.

As under existing law, the jury administrator must use population data from the most recent decennial census.

The bill also establishes temporary procedures before the data is collected. From July 1, 2022, to June 30, 2023, for each undeliverable jury summons, the jury administrator must send an additional randomly generated summons to a juror with the same zip code as the undeliverable summons.

§ 5 — JURY QUESTIONNAIRE

Under current law, the jury administrator must send a prospective juror a confidential questionnaire with certain questions about his or her personal information (e.g., age, race, occupation). The bill requires the questionnaire to also have questions on gender and other demographic information the judicial branch deems appropriate. It requires the administrator to provide, rather than send, the questionnaire.

The bill requires the judicial branch to compile a record of the demographic characteristics of all individuals who (1) are summoned for jury service; (2) participated in a panel; (3) are subject to a preemptory challenge (i.e., objection to a prospective juror without needing a reason); (4) are subject to challenge for cause (i.e., objection to a prospective juror for a stated reason, such as bias); and (5) serve on a jury. The record must exclude personally identifiable information (i.e., identifying information linked or linkable to a specific person) and be maintained in a way that provides free and open access to the information on the Internet.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 25 Nay 13 (04/06/2021)

Appropriations Committee

Joint Favorable

Yea 32 Nay 16 (05/10/2021)